

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BEVERLY R. KRUSE,)	
)	
Plaintiff,)	4:05CV3244
)	
v.)	
)	
PEGLER-SYSCO FOOD SERVICES)	MEMORANDUM
COMPANY,)	AND ORDER
)	
Defendant.)	

The undisputed facts are sufficient to warrant, or there are genuinely disputed material facts that require, a jury trial on all of the plaintiff's claims. I will therefore deny the defendant's summary judgment motion.

In addition, even if I disregard the information which is the subject of the defendant's motion to strike, the motion for summary judgment would still be denied. Therefore, and although the motion to strike has some merit, it is also moot.

Accordingly,

IT IS ORDERED that the defendant's motion for summary judgment (filing 28) is denied. The defendant's motion to strike (filing 44) is denied as moot.

October 2, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge